REMARKS

By the listing of claims included herein, claim 26 is added to the application. Claims 1, 8-16, 19-23, 25, and 26 are pending. Support for new claim 26 is found, for example, in original claim 4. Claim 26 does not introduce new matter.

In a restriction requirement dated July 27, 2004, the Examiner required restriction under 35 U.S.C. §§ 121 and 372, between Group I, claim 1, allegedly drawn to special technical feature of an isolated nucleotide sequence comprising SEQ ID NO: 1-28; Group II, claims 8-16 and 25, allegedly drawn to a special technical feature of a method for genotypically diagnosing cavernomas in an individual by providing a sample from the individual and detecting a presence of a mutation in a Krit1 gene, the mutation being associated with cavernomas; Group III, claims 19-22, allegedly drawn to a special technical feature of a vector comprising a sequence of a Krit1 gene or a sequence derived from a Krit1 gene; and Group IV, claim 23, allegedly drawn to a special technical feature of a therapeutic composition comprising a normal or modified Krit1 protein. In response, Applicants provisionally elect to prosecute Group II, claims 8-16 and 25, **with traverse**. Applicants also submit that new claim 26 corresponds to Group II.

The Examiner also stated that this application contains claims directed to more than one species of the generic invention, and alleged that the species lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. On this basis, the Examiner required election of a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The species identified by the Examiner are:

Group I: species 1: SEQ ID NO: 1, . . . , species 28: SEQ ID NO: 28 (claim 1).

Group II: species 1: SEQ ID NO: 1 and SEQ ID NO: 2, . . . , species 14: SEQ ID NO: 27 and SEQ ID NO: 28 (claim 25).

In response, Applicants elect species 8 (SEQ ID NO: 15 and SEQ ID NO: 16), **with traverse**. Applicants also respectfully disagree with the Examiner, insofar as the election of species requirement is based on an understanding that all of the claims of Group II must be practiced using a pair of sequences as identified by the Examiner. By electing a species in response to this requirement, Applicants do not acquiesce in this position.

In support of the requirement for restriction between Groups I-IV, the Examiner stated that "the inventions listed as Groups I-IV do not relate to a single general inventive concept . . . because . . . they lack the same or corresponding special technical features for the following reasons: the nucleotide sequence of Krit1 protein, which is a unifying feature of all the claims, was described by Serebriiskii et al." Applicants do not necessarily agree with the Examiner's characterization of Serebriiskii et al., or its relation to the scope of the pending claims. In any event, Applicants note that Serebriiskii et al. neither describes nor suggests a method for genotypically diagnosing cavernomas in an individual (as in claim 8). Likewise, Serebriiskii et al. neither describes nor suggests that an isolated nucleotide sequence comprising SEQ ID No. 1, SEQ ID No. 2, SEQ ID No. 3, SEQ ID No. 4, SEQ ID No. 5, SEQ ID No. 6, SEQ ID No. 7, SEQ ID No. 8, SEQ ID No. 9, SEQ ID No. 10, SEQ ID No. 11, SEQ ID No. 12, SEQ ID No. 13, SEQ ID No. 14, SEQ ID No. 15, SEQ ID No. 16, SEQ ID No. 17, SEQ ID No. 18, SEQ ID No. 19, SEQ ID No. 20, SEQ ID No. 21, SEQ ID No. 22, SEQ ID No.

23, SEQ ID No. 24, SEQ ID No. 25, SEQ ID No. 26, SEQ ID No. 27 or SEQ ID No. 28 (recited in claim 1) may be used to genotypically diagnose cavernomas in an individual. As described in Applicants' specification, SEQ ID NOS:1-28 can be used for detecting the presence of a mutation in the Krit1 gene, linked to the occurrence of cavernomas. For these reasons, all of the pending claims satisfy the unity of invention criteria and should be examined together in this application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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By 
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